

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:15cv94**

**THOMAS A. GALLO and I-MINERALS)
USA, INC.,)**

Plaintiffs,)

v.)

**UNIMIN CORPORATION, JOSEPH C.)
SHAPIRO and RICHARD C. ZIELKE,)**

Defendants.)

ORDER

Pending before the Court is the Motion to Dismiss [# 36]. Plaintiff Gallo and Defendants have entered into a settlement agreement resolving the dispute between the parties. Plaintiff Gallo now moves the Court pursuant to Rule 41(a)(2) to dismiss his claims asserted against Defendants with prejudice. Defendants consent to the motion.

Upon a review of the record and the relevant legal authority, the Court **GRANTS** the motion [# 36]. The Court **DISMISSES with prejudice** all the claims asserted by Plaintiff Thomas A. Gallo against Defendants. Plaintiff I-Minerals USA, Inc.'s claims, however, remain pending in this Court. The Court also **DENIES as moot** the Motion to Compel [# 29].

Signed: June 9, 2016

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

